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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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(202) 429-7049

WILEY, REIN & FIELDING

1776 K STREET, N.W.  
WASHINGTON, D.C. 20006  
(202) 429-7000

MARNIE K. SARVER  
OF COUNSEL  
(202) 429-4289  
MSARVER@WRF.COM

December 11, 1998

Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
12<sup>th</sup> Street Lobby, TW-A325  
Washington, DC 20554

Re: CS Docket No. 98-201, RM Nos. 9335 & 9345  
Comments of California Oregon Broadcasting, Inc.

Dear Ms. Salas:

On behalf of California Oregon Broadcasting, Inc., we are submitting herewith an original and eight (8) copies of the **COMMENTS OF CALIFORNIA OREGON BROADCASTING, INC.** in the above-referenced rulemaking proceeding.

Under separate cover and pursuant to the filing requirements set forth in the Notice of Proposed Rulemaking in this docket, the attached comments are being filed on diskette with Don Fowler in the FCC's Cable Services Bureau and with the Commission's copy contractor, International Transcription Service, Inc.

If further information is required, please direct inquiries and correspondence to the undersigned.

Sincerely,



Marnie K. Sarver

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List ABCDE

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DEC 11 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
)  
Satellite Delivery of Network Signals )  
to Unserved Households for Purposes of )  
the Satellite Home Viewer Act )  
)  
Part 73 Definition and Measurement )  
of Signals of Grade B Intensity )

CS Docket No. 98-201  
RM No. 9335  
RM No. 9345

**COMMENTS OF CALIFORNIA OREGON BROADCASTING, INC.**

California Oregon Broadcasting, Inc. ("COBi"), by its attorneys, hereby submits these comments in response to the Commission's Notice of Proposed Rulemaking ("Notice") in the above-referenced proceeding. As operator of three television stations, including stations that are affiliated with the major networks, COBi provides free over-the-air programming to thousands of people in two DMAs.<sup>1</sup> These comments strongly oppose any change in the definition of the Grade B service contour that could affect the stations' ability to provide local television programming to their viewers.

The 1988 Satellite Home Viewers Act ("SHVA"), 17 U.S.C. § 119 (1998), defines an "unserved" household that is entitled to receive DBS feeds of distant network stations' programming as a household that cannot receive a "Grade B" signal. Under the FCC's current rules, the Grade B contour defines an area within which an acceptable picture can be received by

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<sup>1</sup> COBi is the licensee of television stations KOB(TV), Medford, OR; KOTI(TV), Klamath Falls, OR; and KLSR-TV, Eugene, OR.

at least 50 percent of the audience 90 percent of the time.<sup>2</sup> The Notice proposes to redefine this standard to prescribe reception by 50 percent of the audience *more* than 90 percent of the time.<sup>3</sup> While this proposal does not equate the Grade B to Grade A signal strength (Grade A service assumes reception of an acceptable signal by 70 percent of the audience 90 percent of the time), and it falls short of the even more draconian 99 percent and 100 percent reception proposals of EchoStar and the NRTC, there is no question that redefining a Grade B signal to the new standard would drastically affect the categorization of local television station audiences, as shown in comments submitted in response to the earlier NRTC and EchoStar Petitions.<sup>4</sup>

The expanded definition of “unserved household” resulting from the changes in measuring Grade B signal strength, as proposed by the Notice, EchoStar and the NRTC, defies and distorts Congress’ expressed intent in adding the “white area” exception to the SHVA. In keeping with fundamental tenets of copyright law (and the SHVA is, in fact, part of the Copyright Act), Congress tried to keep the DBS compulsory license narrowly confined. Thus, the statutory limitations on the license were lifted to cover only “*a small percentage of television households* [that] cannot now receive clear signals embodying the programming of the three

---

<sup>2</sup> 47 .C.F. R. § 73.683(a) (the rule expresses this 50/90 picture quality standard in terms of signal strengths which are present at 50 percent of the locations, 50 percent of the time); see also *CBS, Inc. v. Primetime 24 Joint Venture*, 9 F.Supp.2d 1333, 1339 (S.D. Fla. 1998) (“[T]he plain language of the [SHVA] adopts the FCC’s definition of a grade B signal (an objective test) to determine whether a household is an ‘unserved household.’”)

<sup>3</sup> Notice at ¶ 32.

<sup>4</sup> See, e.g., NAB Echostar Comments at 2.

national television networks.”<sup>5</sup> No question exists that in making this statement, members of Congress were relying on the current FCC standard for Grade B service, not some undefined variant thereof. Moreover, it is incongruous to suggest that Congress’s efforts to foster the development of the DBS service to provide competition to cable should come at the expense of our system of free, over-the-air broadcasting.

**I. Satellite Providers Have Acted in Bad Faith By Knowingly Transmitting Distant Network Signals to Customers in Served Households; They Should Not Be Rewarded by the Commission for Their Illegal Activities.**

Satellite providers appear before the Commission in this proceeding with unclean hands. By filing the Petitions which, in part, initiated the Notice, satellite providers are boldly attempting to provide cover for their own violations of the SHVA by arguing that the FCC’s long-standing definition of Grade B signal -- and not their own illegal practices -- will force some satellite consumers to lose access to network television broadcasts.

Instead of simply complying with the SHVA, satellite providers have sought to create pressure for a new definition of the Grade B signal by patently ignoring the law. Satellite providers signed up households to receive distant network signals not on the basis of the residents’ actual inability to receive an adequate Grade B signal as prescribed by the SHVA, but by using consumers’ self-reported and unverified claims of inability to receive an adequate over-the-air network signal.<sup>6</sup> In such circumstances, it is irrational and destructive to consider

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<sup>5</sup> H.R. Rep No. 100-887, pt. 1, at 18 (emphasis added) .

<sup>6</sup> See Primetime 24 Joint Venture, 9 F.Supp.2d at 1337.

changing the law to legitimize the satellite providers' actions, rather than insisting that those actions conform to the law.

COBi is not unsympathetic to the plight of DBS subscribers who face the prospect of having network signals cut off. COBi's stations have and will continue to work on a case-by-case basis with subscribers who truly do not receive an adequate signal from its stations. The proposals advanced in this proceeding, however, would redefine the Grade B contour so as to impact not only these "fringe" subscribers, but also any number of viewers who receive strong over-the-air signals. Were the Commission to accede to DBS providers' requests, the Commission would be establishing the dangerous precedent that agency "bail outs" are available to protect industries who defiantly engage in illegal activities. The Commission should instead make every effort to facilitate a regime of regulation that would allow the consumer to receive local broadcast signals and not allow satellite providers to benefit from their own scofflaw behavior.

## **II. Local Broadcasters Provide a Unique Service to The Community That Will be Jeopardized by Any Redefinition of Served Households.**

Local broadcasters provide a unique service to their communities by providing a free source of news and information about local events and topics of local interest. This service includes not only community-specific newscasts, but important information concerning local emergencies, school closings, food drives, blood drives, consumer alerts, public affairs and community events. Local broadcasts are a significant means through which viewers can stay "in tune" and contribute to the sense of community within the areas in which they live. The extent of COBi's service to its communities and the public's reliance on it is graphically illustrated in

the sampling of recent letters from community service groups and organizations, government agencies and consumer interests throughout its service areas (*see, Appendix A*).

COBi and other broadcasters gain financial advertising support for these vital services in proportion to the number of households that receive an over-the-air signal in different areas of their DMAs. For areas with a large number of served households, community specific local news and information is more readily available and in-depth. On the other hand, for areas where fewer viewers can receive the local over-the-air broadcasts, there is a reduced economic incentive to schedule local programming and less justification for devoting news coverage to such areas.

The SHVA grants DBS providers a special copyright license to transmit distant network signals that do not contain local stations' valuable news and public affairs services. While distant network signals are concededly better than no signal at all, local broadcast signals clearly provide the highest value service to households within their markets. Should the Commission accept a more expansive definition of unserved households under the SHVA and allow DBS providers to transmit distant network signals to households that can routinely receive local signals with a suitable antenna,<sup>7</sup> local programming and information available to all households in many communities will be reduced to the extent that audiences in those communities are

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<sup>7</sup> The Notice also requests comment on the methodology for measuring signal strength at individual locations. In this regard, COBi takes issue with testing procedures proposed by EchoStar and described in the Notice at ¶¶ 37-39. Specifically, to assume that most rooftop antennas are not equipped with rotor capability or to assume that viewers are unwilling to or incapable of changing an antenna's orientation appears unrealistic. Nor is it reasonable to base the standard on the lowest quality equipment or the most egregious signal attenuation due to use of an excessive number of splitters.

eroded. With losses of audience volume and corresponding losses of advertising revenues, not only will the households that subscribe to satellite delivery systems be deprived of available local service, but that service will be reduced for all households in the redefined communities. It follows that the definition of unserved households should be as realistic as possible, to favor the potential reception of local network signals and programming, in preference to a compulsory license for distant network signals when such reception is not truly needed.

The dramatic effect of the DBS providers' proposals is graphically illustrated in the attached maps of the current and proposed Grade B coverage areas for KOB, Medford, OR, and KOTI, Klamath Falls, OR (*see, Appendix B*).<sup>8</sup> A total of 48 communities are located in the "donut" comprised of the area that is currently within the Grade B contour but which would be beyond it, and therefore "unserved," under the DBS providers' proposals (*see, Appendix C*). COBI reviewed its KOB and KOTI news coverage over the last 90 days and identified 166 news stories and 16 calendar announcements dealing with news, events and items of interest specifically related to the communities located in the donut area (*see, Appendix D*). This programming reflects announcements of events and news coverage of local sports and weather, business news, governmental activities, local emergencies, road conditions, community events and many other topics of interest and importance to residents of the 28 communities featured in

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<sup>8</sup> The maps compare Grade B coverage as defined in Section 73.683(a) of the rules (*i.e.*, 47.0 dB $\mu$ V/m at 50 percent of the locations, 50 percent of the time) and as proposed by EchoStar (*i.e.*, 47.0 dB $\mu$ V/m at 99 percent of the locations, 99 percent of the time). Note that for both maps the height of the receiving antenna is assumed to be 5.9 feet. Compared to the 30 foot receiving antenna prescribed in the Commission's rules. This provides a somewhat more conservative estimate of the area within the Grade B contour.

the reports and announcements.<sup>9</sup> It also represents a major financial investment by COBi in the maintenance of staff and facilities required to provide this vital news coverage and public service programming. However, without the advertiser support that comes with demonstrable viewership, the ability to sustain such investments and continue to provide the news coverage and programming specific to communities where viewership is reduced will be jeopardized. Moreover, the risk of loss of locally-oriented program service to residents of those communities who depend on over-the-air service and who either do not choose or cannot afford satellite service is inevitably heightened by the proposals of the DBS providers and indeed by any wholesale constriction of the Grade B contour. Such a result cannot be deemed to serve the public interest and in COBi's view should be avoided at all costs.

## **II. No New Rule Should Be Adopted in View of Proposed Congressional Action to Impose a More Effective Solution.**

As a result of recent technological advances, so-called "local-into-local" distribution of network signals will soon afford a more effective, fairer means of incorporating broadcast network programming into the service packages being received by DBS subscribers. While legislation to provide "local-into-local" service failed to reach a full vote in 1998,<sup>10</sup> House

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<sup>9</sup> The interest of these communities' residents in the local signal of KOBH and KOTI is further amply reflected in the fact that 17 of 23 volunteer weather watchers who call in local weather conditions to the stations' meteorologists live in areas within the donut. (See Appendix E.)

<sup>10</sup> See H.R. 2921 (1998); S. 2494 (1998).



Commerce Committee Chairman Bliley (R-Va) and Senate Commerce Committee Chairman McCain (R-Ariz.) are committed to reintroducing this legislation in the next session.<sup>11</sup>

To DBS providers' apparent dissatisfaction, the recent legislative proposals would require satellite providers to carry, upon request, all non-duplicative broadcast signals located within the relevant local market in order to qualify for such a compulsory license. This solution represents the current equilibrium point in a delicate legislative process which must balance the interests of broadcasters, satellite carriers, cable providers, and the public. While it is unclear at the present time exactly where the ultimate balance will be struck, the Commission should refrain from taking any action at this time that would preempt or prejudice Congress' ultimate ability to craft a solution.

In COBi's view, "local-into-local" would equitably solve the problem of network programming availability and would have the added advantage of making over-the-air broadcasters' local news and public service programming, including local emergency warnings and information, as well as local political announcements and information available to all DBS subscribers. In addition, "local-into-local" would preserve the economic integrity of the system of broadcasting that has served the country so well for so many years and would create a truly level playing field among DBS, over-the-air broadcasting and terrestrially-based multi-channel video distributors (such as cable operators and wireless cable systems), creating the competitive

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<sup>11</sup> See 144 Cong. Rec. E1999 (Sept 10, 1998) ("I [Bliley] just would like to state for the record, my firm commitment to revisiting and resolving these issues in a comprehensive manner early next year..."); *Statement of Senator John McCain Chairman, Senate Committee on Commerce, Science, and Transportation: Full Committee Hearing on S. 2494, The Multichannel Video Competition Act of 1998* (October 1, 1998).

markets that Congress envisioned in the Telecommunications Act of 1996. A “local-into-local” approach also would be consistent with the Commission’s existing rules applicable to cable TV, which are designed to foster a network affiliation system that assumes exclusivity within the relevant station service area. *See, e.g.*, 47 C.F.R. § 76.92 (1997) (cable system may not carry duplicative non-local network programming upon request of the local affiliate with network non-duplication rights); 47 C.F.R. §§ 76.151, 76.153 (1997) (cable system may not carry duplicative non-local syndicated programming upon request of a program supplier or a local station with exclusive rights).

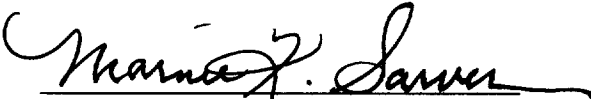
COBi will support legislation to amend the SHVA to provide for “local-into-local” distribution, with appropriate must-carry and retransmission consent rights for local stations. Indeed, it is only fair that in exchange for their valuable copyright license DBS providers should be willing to accept those obligations which apply to their competing distribution media. Rather than advancing the long-term interests of consumers, the precipitous adoption of modified Grade B reception standards could have the unfortunate effect of impeding prospects for a truly effective legislative solution.

For the foregoing reasons, COBi urges that the Commission (i) refrain from altering the current Grade B standard; and (ii) reject suggested revisions to individual measurement procedures at least until Congress has had ample opportunity to consider local-into-local legislation. In the alternative, the Commission should craft rules which would guarantee the

greatest possible local service to households and allow distant signal retransmission only where local service is truly unavailable.

Respectfully submitted,

**CALIFORNIA OREGON BROADCASTING, INC.**

By:   
Peter D. O'Connell  
Marnie K. Sarver

Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, DC 20006  
(202) 429-7000

Its Attorneys

December 11, 1998

## APPENDIX A

### COMMUNITY SUPPORT OF LOCAL PROGRAM EFFORTS



November 26, 1998

MS Patsy Smullin  
KOB! TV  
125 S. Fir  
Medford, Or 97501

Dear MS. Smullin,

I want to take this opportunity to express our appreciation for the media support that you provided to Operation Shoe box during the Honduran Hurricane relief effort. Thanks to you and the support of your station we were able to mobilize our local community in your coverage area to come together and collect 167 pallets of food, clothing, and medical supplies and over \$14000 for medicine.

Our organization has to rely on people like you and the support we get in our community in order to successfully accomplish our goal of reaching out to those in need in Honduras and in our local community. With the help of your current and past support we have been able to help Honduras; supply equipment for two children's dental clinics, provided much needed medical equipment at this countries main Cancer Center, provided educational supplies for children who with out them would not have been able to attend school.

Locally, thanks to you we have been able to bring our community together and supply shoe box gifts for our local needy children as well. We have been working with Head Start and other local agencies to supply Christmas gifts to children in our area who would not have a Merry Christmas because of their parents financial condition. The local Girl Scouts have adopted Operation Shoe box as their Christmas outreach and the Oregon National Guard has adopted it as an outreach into our local community.

Thanks to you and KOB! ,Operation Shoe box has been able to achieve its real goal. We have been able to bring our community together to work for a common goal. We have seen groups and individuals come together and share apart of themselves that they don't normally do. We have seen these same groups and individuals grow and find out that even though we might come from different social and ethnic groups that we all share in this thing called humanity and that we can all come away from helping more enriched in our experience and in our lives.

I hope that you will continue to support Operation Shoe box. We can continue being successful only if we can mobilize our local community to help others. You and KOB! TV have and hopefully will continue to play a major part in our efforts to reach out to Honduras and to our local community as well.

Sincerely,

A handwritten signature in black ink, which appears to read "Dan Johnson". The signature is fluid and cursive, with a large, prominent "D" and "J".

Dan Johnson  
Founder Operation Shoe box



November 25, 1998

Mr. John Larkin  
KOB! TV  
125 S. Fir  
Medford, OR 97501

Dear Mr. Larkin:

On behalf of the United Way of Jackson County, its 26 member agencies, volunteers, board of directors and the staff, we would like to thank KOB! TV for the incredible generosity and community partnership we enjoy.

We have long received the support of KOB! in many ways. Promotion of our activities and campaign, conducting a very successful in-house drive that is in turn matched by the company, and support of so many of our agencies directly.

Our efforts these last few years have focused on raising the awareness of United Way as our community's charity. Thanks to the generous support and sponsorship of the Day of Caring by KOB!, hundreds now volunteer their own physical labor at United Way agencies as our campaign kick-off.

KOB! is always there when we need them and loan countless hours of staff, energy and expertise that we simply couldn't tap into other ways. The generosity is unmatched locally.

Just last week at our campaign closing celebration, we awarded Community Builder awards for the first time in our history. This award went to community partners who helped raise the awareness and stepped up in an even bigger way to build community. KOB! was a recipient of the award. We'll be dropping off your plaque next week.

Our community is fortunate to have such strong support of highly visible organizations such as yours, especially when the giving culture runs throughout the employees as well. It is through the help and generosity of KOB! that we work hard to keep our community safe and healthy. Thank you.

Regards,

  
Dee Anne Everson  
Executive Director

*The power of U™*



"STEWARDSHIP IN  
FORESTRY"

April 22, 1997

Dear Patsy

**RE: 1997 POSTER CONTEST VIDEO PRODUCTION**

I just wanted to drop you a line and tell you how much I appreciate your help with the production of our fire prevention video. It has been seen by just about all of our District's employees, along with the District Forester Roy Woo. Every comment about the video begins with "WOW". We showed it for the first time in our school presentations yesterday and it really kept the kids attention.

I really have to commend your employees Mike Walker, John Wullbrandt, and Leland Graber. All three of them were very helpful, professional, and knowledgeable about the project. This video will be used not only in our poster contest assemblies, but at the county fair, and other fire prevention functions. Once again thank you, and if possible please pass this on to Mike, John, and Leland.

Sincerely,

*Todd Moran*

Todd Moran

John A. Kitzhaber  
Governor



3200 DeLap Road  
Klamath Falls, OR 97601  
(541) 883-5681  
FAX (541) 883-5555

# **S**uperior Helicopter, LLC

2695 GLENDALE VALLEY RD. • P.O. BOX 250 • GLENDALE, OREGON 97442 • (541) 832-1167

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April 17, 1998

Elliot Eki  
KOBI  
P.O. Box 1489  
Medford, OR 97501

Dear Mr. Eki,

We at Superior Helicopter would like to extend our sincere appreciation for the professional manner in which you handled the news coverage of the Mark Kaiser tragedy. Not only was it done in good taste, you made every attempt to ensure that the family members that were not advised would not be shocked by seeing it on the news.

It only illustrates the concern and integrity of KOBI and yourself. KOBI should be commended for the handling of this incident, as should the reporter for their respect for the situation, and the conservative nature in which the incident was handled. Again, we thank you for your professionalism.

Sincerely,



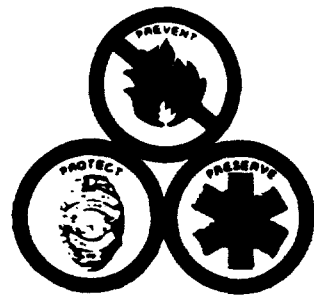
Mark Clark  
Logging Manager  
Superior Helicopter





## Ashland Fire & Rescue

455 SISKIYOU BOULEVARD  
ASHLAND, OREGON  
97520



(541) 482-2770

FAX (541) 488-5318

October 8, 1998

Laryl Noble, Assignment Editor  
Channel 5 - KOB  
125 South Fir Street  
Medford OR 97501

Dear Laryl ,

We wish to extend to you our heartfelt thanks for your excellent coverage of "The Great Escape Of '98" in Ashland during National Fire Prevention Week. Please extend our gratitude to Phil Merrifield for his support of our efforts and cooperation in filming the home fire escape drill at the Tanya Williams residence in Ashland. We are grateful for our close working relationship with KOB and are looking forward to collaborating on news coverage for future events and activities within our department and the City of Ashland. Thank you for helping us communicate the importance of home fire escape planning to families within our community. With your help, we know that our message has made a significant impact in the lives of the children in Ashland.

Sincerely,

Keith E. Woodley  
Fire Chief

Chris  
I called her  
and thanked  
her for this  
nice message  
E

Bea Cr.  
770-  
2665

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Printed for KOB1 News <news@kobi5.com>

2

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**Patty Pierson, 12:02 PM 6/12/98 , Phoenix Pirates baseball cover**

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Delivered-To: w1238-kobi@kobi5.com  
From: "Patty Pierson" <ppierson@bco.com>  
To: <kobi@kobi5.com>  
Subject: Phoenix Pirates baseball coverage  
Date: Fri, 12 Jun 1998 12:02:41 -0700  
X-MSMail-Priority: Normal  
X-Mailer: Microsoft Internet Mail 4.70.1161

The Phoenix High School baseball players and families have kept a close eye on the T.V. for sport highlights featuring the Pirates. Out of all of the local stations KOB1 channel 5, took the championship, along with the Pirates.

The coverage was excellent and Chris Egan is a wonderful sports anchor. Chris took the time to come to our field, interview our sons, and made them feel comfortable with the T.V. camera.

We appreciate the time and effort KOB1, Chris Egan, and associates took to cover Phoenix High School baseball season. It will be a memory we will never forget.

Thank you,  
Patty Pierson 535-4481  
368 Nerton St.  
Talent, Or. 97540



P.O. Box 4041, Medford, Oregon 97501 • (503) 899-1415

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DATE: April 3, 1998

TO: KOBI  
ATTN: Laryl

FROM: Rogue Valley Growers and Crafters Market  
Pat Whalen, Market Manager

Just wanted to thank you and your crew for the great news coverage you gave our market. Our vendors work very hard to bring their goods to the community and being a not for profit organization the exposure is greatly appreciated.

Thanks once again and we hope to see you and your families at market.

*Pat*

**FIRSTAIDE/PATHCODE, 12:04 AM 2/20/98 , No Subject**

Reply-To: <@gte.net>  
 From: "FIRSTAIDE/PATHCODE" <pathcode@gte.net>  
 To: <kobi@kobi.com>  
 X-MSMail-Priority: Normal  
 X-Mailer: Microsoft Internet Mail 4.70.1161

To Jeff Heaton,

You are the best! Over the last six years we've enjoyed your weather more than anything else on TV. Of course, when you live in Klamath and during the winter only, the weather is important.

Your friendly, warm, and happy delivery make you one in a million. Though we think the trend in the news on your station is to the more sensational like most others (protests, even by 10 people, receive lots of airtime; and 'if it bleeds, it leads') KOB1 will remain our news station as long as you are on it!

Tell the sports guys that they're the second best part of the news.

Thanks from pathcode@gte.net





# Oregon

John A. Kitzhaber, M.D., Governor

Department of State Police  
4500 Rogue Valley Hwy., Suite A  
Central Point, Oregon 97502  
Voice/TDD (541) 776-6236  
FAX (541) 664-8762

April 10, 1998

Laryl Noble  
Assignment Editor - KOBI - 5  
125 South Fir  
Medford, OR 97501

## LETTER OF COMMENDATION

I would like to commend your staff that assisted us in letting the public know about this years fund raiser for Special Olympics dubbed as "**Cops & Lobsters**".

This program was designed for off duty Law Enforcement Officers to assist the normal server's of Red Lobster Restaurants. Through their efforts of providing extra service, "extra" tips are obtained for Special Olympics.

You staff was very supportive. Through their service, the public was able to interact with officers in a different light. The public relations obtained was priceless.

Last year the Law Enforcement Officers of the Rogue Valley raised \$8,193.00. With that, they earned the distinction of being the National Record Holders. I understand that Los Angeles has 250 tables in their restaurant. Yes, the Red Lobster in Medford only has 58 tables and surpassed everyone in the Nation.

This year, through the team efforts, **\$21,651.21** was raised at the Medford Red Lobster for Special Olympics. Once again, the Rogue Valley Law Enforcement Officers have raised more for Special Olympics in the Rogue Valley than any other area in the Nation.

The effort put forth, was from a team consisting of the media, the generous public and Law Enforcement Officers throughout the valley. Forty-eight men and women participated in this years fund raiser.

Would you be so kind as to extend my appreciation to your staff for a **JOB WELL DONE!**

Sincerely,

Michael G. Buckman, Sergeant  
Oregon State Police

# SALOMON SMITH BARNEY

A Member of Travelers Group T

541-779-5010 • 800-547-1741

October 3, 1998

Mr. Elliott Eki  
KOB  
125 So. Fir  
Medford, OR 97501

Dear Elliott;

Thank you for being a part of the "Everywoman's Money Conference." Because of your participation it was a great success.

We want you to know the time and energy you expended was recognized and appreciated by many, especially us! We couldn't have done it without you.

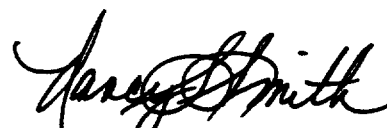
Many thanks and a job well done!

Sincerely yours,



William A. Smith  
Branch Manager

Angela Bourne-Adee  
Financial Consultant



Nancy S. Smith  
Financial Consultant

# *Medford Lodge #178*

## **Loyal Order of Moose**

*The Family Fraternity*

51B

John A. Haworth  
Administrator

A MERIT AWARD LODGE

June 30, 1998

Patsey Smullen  
KOBI 5-M Television  
P.O. Box 5M  
Medford, OR 97501

Dear Patsey,

We at the Medford Moose Lodge certainly appreciate the courtesy and cooperation shown to us by Kris Eagan during our 13th annual Special Olympics golf tournament and auction.

KOBI-TV coverage enhances the success of our benefit by creating public awarness to the need of community support for our Special Olympics Athletes in Jackson and Josephine Counties

Please express our sincere thanks to Kris for a job well done

Sincerely,

*Wayne Winans*

Wayne Winans, Chairman  
Special Olympics Committee

cc Mr Eagan  
*public file*  
John Larkin  
Elliot

From the desk of...  
**Cody Gaskell**  
**Crime Stoppers**  
**Of Josephine County**

**June 26, 1997**

**TO: Elliott Eckl**  
**Eleanor Ingersoll**

**FROM: Cody Gaskell**  
**Program Coordinator**


**RE: "Fugitive Files" Success Series.**

**Hi Guys,**

I just wanted to thank you guys there at Channel 5 for the success story you ran last night, and the previous success stories of the arrests. I speak for the Board when I say that Channel 5 is very supportive of Crime Stoppers of Josephine County and your contribution greatly appreciated.

We look forward to a continuing crime-bustin relationship with Channel 5, and would like to say that KOB1 has increased the effectiveness of Crime Stoppers of Josephine County, and of the Crime Prevention movement that is so strong today. For that we are grateful....

Faithfully, I remain....

  
**Cody Gaskell**  
**Program Coordinator**  
**JOSCO**

**cc: Executive Board**



## APPENDIX B

### KOBI and KOTI COVERAGE MAPS

This is a detailed topographic map of the White Mountain area in California. The map features a grid system and labels for various locations. Key locations include Mammoth, Lakeview, and White City. A specific area is highlighted with a box and labeled 'K06'. The map shows rugged terrain with numerous peaks and valleys. The map is oriented with North at the top. The grid system is used to locate specific points on the map. The map is a black and white line drawing.

Ref. grid: 30'

```

Propagation model: Longley-Rice v1.2.2
Time: 50.00% Loc: 50.00% Margin: .0 dB
Climate: Continental Temperate
Gndcvr: None
Atm. factor: None
K Factor: 1.333
RX Antenna: Omni
Height: 5.9 feet AGL Gain: 10.0 dBd

```

47.0 dBuV/m

Minimum threshold level: -150.0 dBmW

Site	Ant Elv AMSL (feet)	ERPd (dBW)	Ant. Type /Orient.	Coordinates
KOBI #	5505.0	47.80	OM-V	N 42 41 31.00
grp: 1	77.2500 Mhz			W123 13 42.00



King Mt

KOBI ch 5 60.3 Kw

6 12 97

**Figure 1**

Ref. grid: 30'

This map shows the Klamath River region, including the river and its tributaries, major cities, and surrounding areas. The map includes a grid system and labels for various locations.

Key locations labeled on the map include:

- North
- Westfir
- Oakridge
- Landsport
- Lakeside
- Coquille
- North Bend
- Charleston
- Bandon
- Myrtle Point
- Power
- Port Orford
- Brookings Harbor
- Fort Jones
- Chiloquin
- Klamath Falls
- Altamont
- Harris
- Montague
- Freke
- Descent City
- Fort Jones

The map also features a grid system with labels such as "Ref. grid 30'".

```

Propagation model: Longley-Rice v1.2.2
Time: 99.00% Loc: 99.00% Margin: .0 dB
Climate: Continental Temperate
Gndcvr: None
Atm. factor: None
K Factor: 1.333
RX Antenna: Omni
Height: 5.9 feet AGL Gain: 10.0 dBSd

```

47.0 dBuV/m

Minimum threshold level: -150.0 dBmW

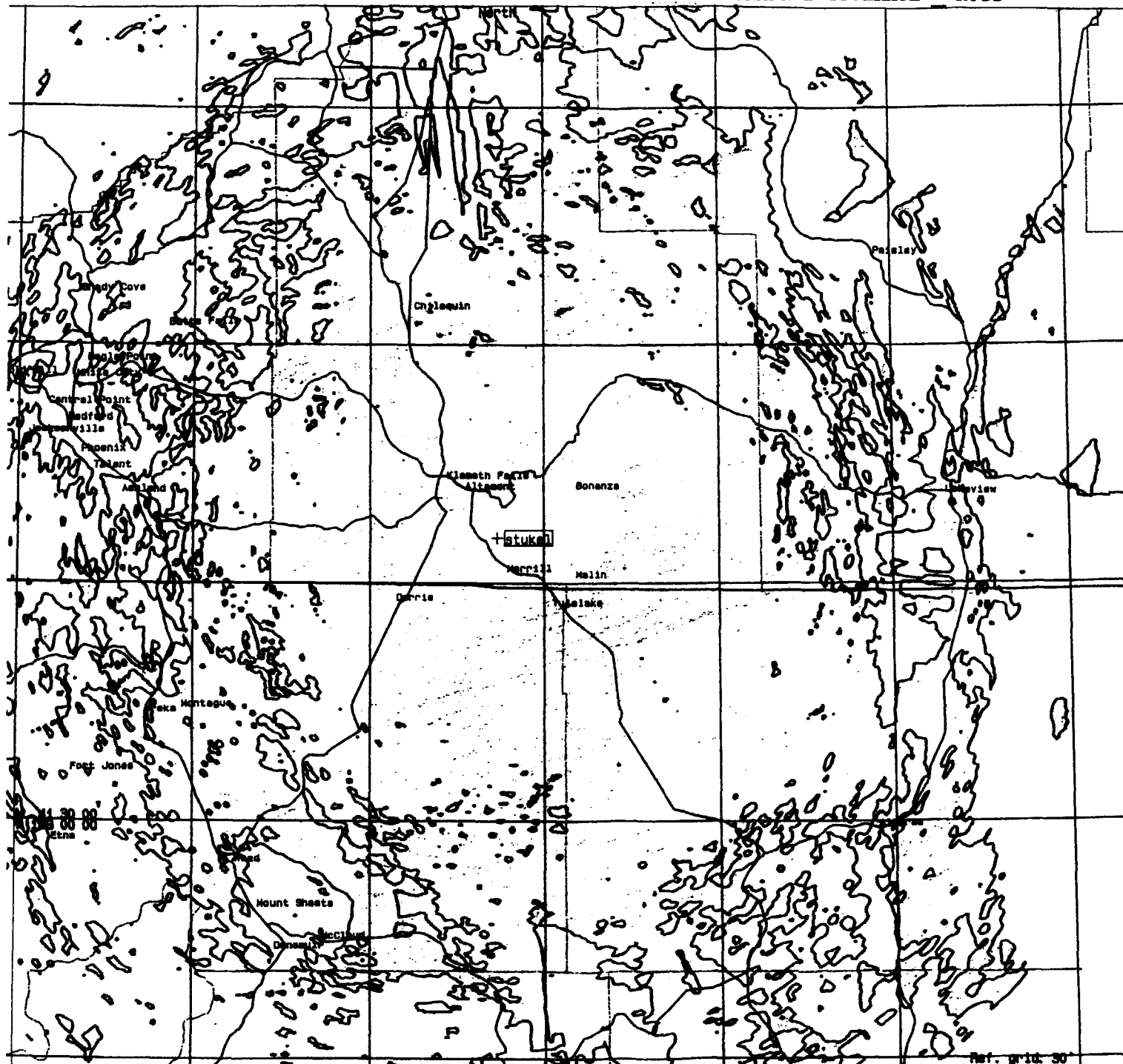
Site	Ant Elv AMSL (feet)	ERPd (dBm)	Ant. Type /Orient.	Coordinates
KOBI *	5505.0	47.80	OM-V	N 42 41 31.00
grp: 1	77.2500 Mhz			W123 13 42.00



King Mt  
KOB1 Ch 5 Grade B

11 25 98 99, 99 Figure 1

# CURRENT GRADE B COVERAGE - KOTI



SHDMAP (tm):STUKELNE.

Propagation model: Longley-Rice v1.2.2  
 Time: 50.00% Loc: 50.00% Margin: .0 dB  
 Climate: Continental Temperate  
 Gndcvr: None  
 Atm. factor: None  
 K Factor: 1.333  
 RX Antenna: Omni  
 Height: 5.9 feet AGL Gain: 10.0 dBd

Field strength (at remote)

47.0 dBuV/m

Minimum threshold level: -150.0 dBmW

Site	Ant Elv (feet)	ERPd (dBW)	Ant. Type /Orient.	Coordinates
stukel	6591.1	45.50	OM-H	N 42 5 48.00
grp: 1	57.2500 MHz			W121 37 57.00

MILES  
 10 0 10 20 30

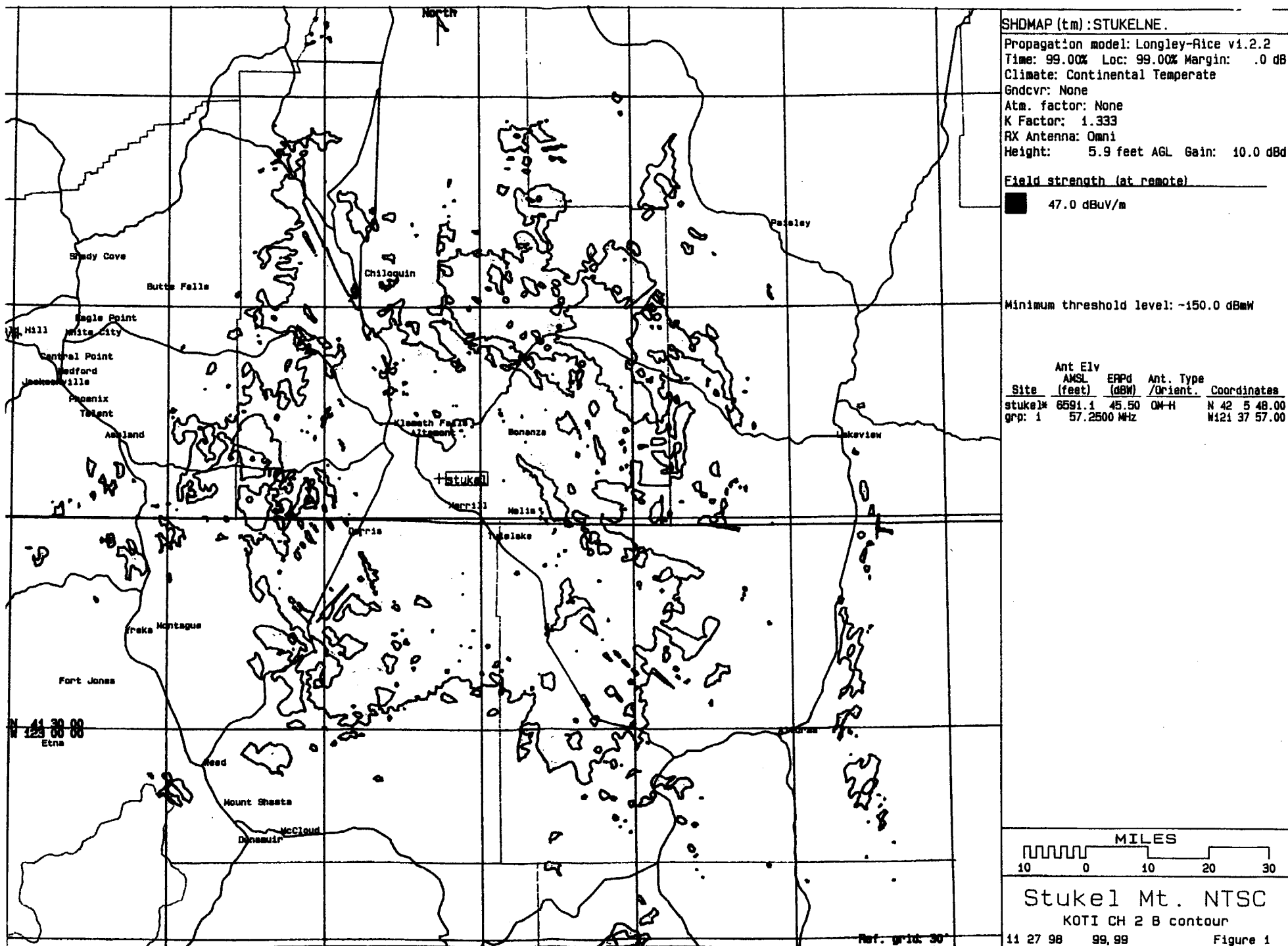
Stukel Mt. NTSC

KOTI CH 2 B contour

11 27 98 50,50

Figure 1

# PROPOSED GRADE B COVERAGE - KOTI



## APPENDIX C

### COMMUNITIES AFFECTED BY DBS PROVIDER PROPOSALS

**Communities that will be outside the proposed Grade B****Currently served by KOB-TV**

**Bandon  
Brookings  
Coos Bay  
Coquille  
Cottage Grove  
Curtin  
Drain  
Elkton  
Gold Beach  
Lakeside  
Langlois  
North Bend  
Norway  
Oakland  
Ophir  
Port Orford  
Reedsport  
Saginaw  
Scottsburg  
Sixes  
Sutherlin  
Wedderburn  
Winchester  
Yoncalla  
Crescent City  
Fort Dick  
Fort Jones  
Gasquet  
Greenville  
Grenada  
Happy Camp  
Hornbrook  
Klamath River  
Macdoel  
Montague  
Seiad Valley  
Smith River  
Weed  
Yreka**

**Currently served by KOTI-TV**

**Alturas  
Bly  
Chiloquin  
Etna  
Grenada  
Fort Jones  
Fort Klamath  
Lakeview  
Paisley**

**APPENDIX D**

**NEWS AND CALENDAR ANNOUNCEMENTS**  
**PERTAINING TO THE AFFECTED COMMUNITIES**



**Bandon, OR, News/Sports Coverage**

11/10/98	Bandon Salt Marsh Wildlife Refuge
10/05/98	Bandon Dunes Golf Resort
09/25/98	Bandon Man Busted for Selling Port Equipment
09/18/98	Bandon Drug Bust/Fetus Found
11/13/98	Bandon HS Football
11/09/98	" " "
11/05/98	Bandon HS Girls' Volleyball
11/05/98	Bandon HS Football
11/02/98	" " "
10/26/98	" " "
10/23/98	" " "
10/16/98	" " "
10/12/98	" " "
10/05/98	" " "
10/02/98	" " "

**Brookings, OR, News/Sports Coverage**

12/04/98	Kidnapper Arrested
12/02/98	Crab Season Opens
11/21/98	Wild Coastal Weather
11/19/98	Coast Guard Rapes
10/19/98	Fatal Car Accident
09/15/98	Brookings Murder
09/18/98	Brookings HS Football

**Coos Bay, OR, News/Sports Coverage**

12/03/98	Coastal Storms
11/24/98	Heavy Wind Storm
11/23/98	Coastal Storms
11/20/98	Coastal Storm Heading to Coos Bay
11/13/98	Coos Bay Soldier in Mid-East
11/05/98	Mercy Ship Docked at Coos Bay
10/26/98	Cross Burning Investigation
10/25/98	Cross Burning
10/23/98	Coos Bay DUI Fatal

10/16/98     Gardiner Mill Closes  
10/07/98     Coos River Rescue  
09/19/98     Coos Bay Murder/Suicide  
09/05/98     Coos Bay Air Show  
09/04/98     Coos Air Ambulance Sale

11/20/98     Marshfield HS Football  
11/13/98     Marshfield HS Football  
09/25/98     Marshfield HS Football

**Coquille, OR, News/Sports Coverage**

12/02/98     Coquille Flooding  
  
11/17/98     SOU FB--Griff Yates  
09/21/98     Griff Yates--SOU FB Hero  
09/18/98     Coquille HS Football

**Cottage Grove, OR, News/Sports Coverage**

11/22/98     Fatal Shooting

**Elkton, OR, News/Sports Coverage**

10/08/98     Elkton HS Football

**Gold Beach, OR, News/Sports Coverage**

12/04/98     Gold Beach Girls HS Basketball  
11/24/98     Gold Beach Storm  
11/21/98     Wild Coast Weather  
  
10/02/98     Gold Beach HS Football

**North Bend, OR, News/Sports Coverage**

11/24/98     Severe Coast Weather  
11/18/98     NB Administrator Fired  
11/13/98     NB Soldier in Mid-East  
10/21/98     NB Police Chief Fired  
09/05/98     NB Airport Air Show

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11/06/98 North Bend HS Football  
11/05/98 North Bend HS Football  
10/23/98 North Bend HS Football

**Oakland, OR, News/Sports Coverage**

10/12/98 Oakland Auto Fatality

**Reedsport, OR, News/Sports Coverage**

11/20/98 Reedsport HS Football  
11/13/98 Reedsport HS Football  
11/09/98 Reedsport HS Football  
10/26/98 " " "  
10/23/98 " " "  
10/16/98 " " "

**Sutherlin, OR, News/Sports Coverage**

09/20/98 Sutherlin HS Football

**Yoncalla, OR, News/Sports Coverage**

10/29/98 Yoncalla HS Football

**Crescent City, CA, News/Sports Coverage**

12/02/98 Kidnap Suspect

**Gasquet, CA, News/Sports Coverage**

09/19/98 Gasquet Forest Fire  
09/18/98 Gasquet Forest Fire  
09/17/98 Gasquet Forest Fire  
09/16/98 Gasquet Forest Fire  
09/15/98 Gasquet Forest Fire  
09/14/98 Gasquet Forest Fire

**Happy Camp, CA, News/Sports Coverage**

08/27/98--11/16/98 Various Road Conditions Reports  
10/02/98 Sasquatch in Happy Camp

**Hornbrook, CA, News/Sports Coverage**

10/16/98 Train Derailment

10/15/98 Train Derailment

**Macdoel, CA, News/Sports Coverage**

11/11/98	Road Conditions/Traffic Delays
11/10/98	“ “
11/09/98	“ “
11/06/98	“ “
11/04/98	“ “
11/03/98	“ “
11/02/98	“ “
10/30/98	“ “
10/28/98	“ “
10/27/98	“ “
10/26/98	“ “

**Montague, CA, News/Sports Coverage**

09/21/98	Montague Choir
08/31/98	Montague Truck Driver in Wreck

**Seiad Valley, CA, News/Sports Coverage**

11/09/98	Traffic Conditions/Delays
11/06/98	Road Conditions/Traffic Delays
11/04/98	“ “
11/03/98	“ “
11/02/98	“ “
10/30/98	“ “
10/29/98	“ “
10/28/98	“ “
10/26/98	“ “

**Yreka, CA, News/Sports Coverage**

12/01/98	Traffic Problems/Delays
11/26/98	High Winds Problems
11/07/98	Recovery Center Fund Raising
11/03/98	Kidnap Suspects in Yreka
12/01/98	Yreka HS Girls Basketball
09/16/98	Yreka HS Football

09/11/98 Yreka HS Football  
09/04/98 Yreka HS Football

**Alturas, CA, News/Sports Coverage**

10/12/98--10/26/98 Road Conditions/Delays  
09/09/98 Water Rights Controversy

**Bly, OR, News/Sports Coverage**

12/02/98 Missing 85-year old  
11/23/98 Suspicious Home Fire  
11/20/98 Bly Doctor Closes  
10/27/98 Bly Forest/Brush Fire  
10/26/98 Bly Forest Fire  
10/24/98 Bly Fire Threatens Homes  
09/28/98 4H Adventures Program  
09/22/98 Bly Day Care--United Way  
09/21/98 Bly Murder

**Chiloquin, OR, News/Sports Coverage**

12/04/98 Chiloquin Vandalism  
12/03/98 Icy Roads  
12/03/98 Tree Cutting Permits  
12/02/98 Chiloquin Murder Update  
12/01/98 Chiloquin Woman Indicted  
11/30/98 Chiloquin Snowy Roads  
11/27/98 Chiloquin Reacts to Murder  
11/27/98 Murder Autopsy Report  
11/26/98 Murder Suspect  
11/25/98 Chiloquin Man Murdered  
11/25/98 Chiloquin Man/Car Crash  
11/23/98 Snow Hazards in Chiloquin  
11/09/98 Chiloquin Pow-Wow  
11/04/98 Accident Closes Hwy.  
10/27/98 Chiloquin Man Holds Hostage  
10/11/98 House Fire/Body Found  
09/25/98 Chiloquin Kids' Camp  
09/23/98 Chiloquin Baby Death Investigation  
09/16/98 Chiloquin Baby Investigation

09/15/98 Chiloquin Baby Death

11/02/98 Chiloquin HS Football

10/29/98 Chiloquin HS Football

10/23/98 Chiloquin HS Football

10/09/98 Chiloquin HS Football

09/18/98 Chiloquin HS Football

09/11/98 Chiloquin HS Football

**Ft. Klamath, OR, News/ Sports Coverage**

11/24/98 Ft. Klamath Rivers Flooding

11/23/98 Ft. Klamath Flood Threats

**Lakeview, OR, News/Sports Coverage**

11/19/98 Food Sent to Lakeview

11/18/98 Icy Roads in Lakeview

11/11/98 Lakeview Boy on Leeza Show

11/09/98 Lakeview Food Drive

11/02/98 Lakeview Boy Heads to Leeza Show

11/02/98 Lakeview Police Chief Resigns

10/16/98 Lakeview Kid Arrested

10/14/98 Lakeview BBQ Murder

12/01/98 Lakeview HS Basketball

11/09/98 Lakeview HS Football

11/05/98 Lakeview HS Football

10/30/98 Lakeview HS Football

10/23/98 Lakeview HS Football

10/21/98 Lakeview HS Volleyball

10/16/98 Lakeview HS Football

10/14/98 Lakeview HS Volleyball

10/14/98 Lakeview HS X-Country

10/05/98 Lakeview HS Volleyball

10/02/98 Lakeview HS Football

09/25/98 Lakeview HS Football

**Weed, CA, News/Sports Coverage**

10/12/98--10/26/98 Road Construction Delays

**Bandon, OR, Calendar**

10/20/98 Sneak Preview briefing of new golf course  
09/28/98 Schedule for annual seniors' free flu clinic

**Brookings, OR, Calendar**

09/31/98 Writers' conference: "Words and Pictures"

**Coos Bay, OR, Calendar**

11/16/98 Canine Detection services calendar  
11/04/98 Conflict Resolution Workshop  
10/20/98 Preview of new coastal golf course

**Coquille, OR, Calendar**

11/23/98 Coquille Indian research project discussion  
09/07/98 Labor Day Picnic Schedule

**Gold Beach, OR, Calendar**

11/30/98 New Business seminar  
11/23/98 County Commission General Session agenda  
09/17/98 Annual Quilt Show

**Lakeside, OR, Calendar**

09/10/98 Annual Dragboat Races Schedule

**North Bend, OR, Calendar**

11/16/98 Canine Detection Seminar at N. Bend H.S.  
10/12/98 Free Halloween Show for Kids

**Yreka, CA, Calendar**

11/11/98 Yreka HS Drama Club: "The Man Who Came to Dinner"

**Chiloquin, CA, Calendar**

09/03/98 Motorcycle rally schedule

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## APPENDIX E

### KOBI AND KOTI WEATHER WATCHERS

## **Weather Watchers**

### **KOBI-KOTI 1998**

*\*Indicates weather watchers  
from communities that would  
be outside the proposed  
Grade B.*

**Mr. Steve Finneran \***  
**P.O. Box 170**  
**Crescent, OR 97733**

**The Andrews \***  
**P.O. Box 241**  
**Christmas Valley, OR 97641**

**Mr. Don Hastings \***  
**P.O. Box 161**  
**Lookout, CA 96054**

**Mr. Leonard Peterson \***  
**2650 S. Umpqua Road**  
**Tiller, OR 97484**

**Ms. Helga Steffee \***  
**P.O. Box 222**  
**Port Orford, OR 97465**

**Mr. Scotty Malloy**  
**1600 Tolman Creek Road**  
**Ashland, OR 97520**

**Ms. Jerri Smith \***  
**4774 Waldo Road**  
**Cave Junction, OR 97523**

**Mr. Gordon Starr \***  
**Rt. 1, Box 3895**  
**Coquille, OR 97423**

**Ms. Ginger Bakken**  
**1740 Riverside Drive**  
**Myrtle Creek, OR 97457**

**Susan**  
**180 Leland Road**  
**Sunny Valley, OR 97497**

**Mr. Steve Crane \***  
**6308 Turquoise Ave.**  
**Montague, CA 96064**

**Ms. Carolyn Underhill \***  
**6839 Dickgeorge Road**  
**Cave Junction, OR 97523**

**Mr. Bill Miller \***  
**6839 West Side Road**  
**Cave Junction, OR 97523**

**Mr. Jerry LaRue \***  
**19921 Whaleshead Road**  
**Brookings, OR 97462**

**Mr. Robert Ritter \***  
**12759 Drives Valley Road**  
**Oakland, OR 97462**

**Mr. Bob Mielke**  
**7667 Rogue River Hwy.**  
**Grants Pass, OR 97526**

**Mr. Paul Herzog \***  
**217 Alder St.**  
**Brookings, OR 97415**

**Mr. Roland Richmond**  
**HC 86, Box 129B**  
**Myrtle Creek, OR 97458**

**Mr. Sonny Vincent \***  
**36315 Highway 62**  
**Chiloquin, OR 97624**

**Ms. Marie Vincent \***  
**36315 Highway 62**  
**Chiloquin, OR 97624**

**Mr. Ken Lack**  
**271 Jillana Terrace**  
**Grants Pass, OR 97527**

**Mr. Butch Hadley \***  
**P.O. Box 32**  
**Bly, OR 97622**

**Attn: Gene \***  
**HC 30, Box 140**  
**Chemult, OR 97731**

## DECLARATION OF PATRICIA C. SMULLIN

I, Patricia C. Smullin, President of California Oregon Broadcasting, Inc., do hereby affirm that I have read the attached Comments and verified, to the best of my knowledge, the factual statements contained therein. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11<sup>th</sup> day of December, 1998.

  
Patricia C. Smullin